

Appl. No. : 09/943,483
Filed : August 29, 2001

REMARKS

In the Office Action, the Examiner rejected pending claims 7-21 as either being anticipated under 35 USC §102 or obvious under 35 USC §103 in view of the Neal reference (U.S. Patent No. 5,779,317), the Henry reference (U.S. Patent No. 1,355,669), the Frobose reference (U.S. Patent No. 4,566,735), or the Lissner reference (U.S. Patent No. 4,747,011). By this paper, the Applicant has amended Claim 7 and 15 and, therefore, requests reconsideration of the above-captioned application in light of the amendments and remarks contained herein.

The Application would initially like to thank the Examiner for extending the courtesy of a personal interview to Applicant's representatives, Mike Trenholm and Nick Zovko, on Thursday, June 24, 2004. During the interview, a proposed claim 7 was discussed in light of the cited references. As discussed during the interview, the proposed claim distinguishes the art of record as a result of having at least one retainer on a first edge of the main body that is urged over a first edge of the backrest portion of the seat and at least one second retainer formed on a second edge of the main body that is urged over the second edge of the backrest portion of the seat. (*See, Claim 7 as amended*). The cited references do not teach a padded sock that can be positioned over a backrest portion in this manner. In particular, the Neal reference shows a surface that can be mounted to the backrest portion of the seat, however, it is attached via the mounting structure 5 and the secured features 6 and 7. Moreover, the remaining references do not teach a padded backrest member that is attached in the manner claimed by the Applicant. As such, the Applicant believes that Claim 7 as amended is allowable over the cited references.

During the interview, the Examiner also brought to the attention of the Applicant's attorney the Fitzgerald reference (U.S. Patent No. 1,847,605) and asked that the Fitzgerald reference be addressed in the response to the outstanding Office Action. The Applicant has carefully reviewed the Fitzgerald reference and has further amended the claims of the instance application from the proposed claims that was provided to the Examiner during the interview. In particular, the Applicant has amended Claim 7 to indicate that the first and second retainers are formed of a flexible material that allows the user to urge the at least one first and second retainers into and out of engagement of the first and second edges to install and remove the padded sign from the chair. In contrast, the Fitzgerald reference teaches clips that are formed of rigid material and are held in place by a spring that interconnects the two retainers together. As such,

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installation and removal of the Fitzgerald sign holder is different in that it requires a spring to interconnect the two clips rather than having the clips themselves formed of a resilient member to thereby facilitate installation and removal. Advantageously, the Applicant's padded seat back allows for easier installation of padded seats on mass number of folding chairs, such as for public gatherings, as it does not require stretching the spring between the two retainers as shown by Fitzgerald. Consequently, the Applicant believes that Claim 7 as amended is allowable over the Fitzgerald reference as well. By this paper, the Applicant has also amended Claim 15 to incorporate similar limitations as Claim 7 and thereby believes that Claim 15 as amended is also allowable over the Fitzgerald reference.

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SUMMARY

Based upon the foregoing, the Applicant believes that Claims 7 and 15 are allowable over the art of record and further believe that the remaining claims define additional patentable subject matter and are further allowable due to their respective dependencies on Claims 7 and 15. The Applicant, therefore, believes that the above-captioned application is in condition for allowance and requests the prompt allowance of the same. Should there be any impediment to the prompt allowance of this application, the Examiner is respectfully requested to call the undersigned at the number shown below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 7/27/04

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